p9

C.S. 71

19 35

Department of Lands

OFFICE Brisbane

STATION Mareeba

Mis. No.

Dated 4.10.35

Issue
A 315-7
35

Mem Asst Secretary
Lands Office Cairns
Redeparcel
Mareeba
15/10/35

Ref
14/7/35

DESPATCHED
7-OCT-35
Bris

Pages in the file

(SUBJECT.)

Reserve Reserves - (Belmay) - Hospital Ground Reserve - S 11969 - Sale Cancelled ordered - Land Revenue Act 1910 Reserves Procedure - Orders passed

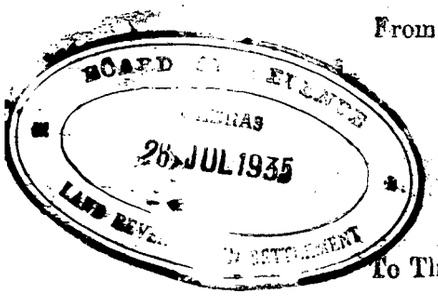
C.F. 32.

Revenue DEPARTMENT.

A3157

In reply, please quote number, date and short title.

Received Registered



From (Name) T. Bhaskara Rao Esq., I.C.S.,

(Designation) Collector,

Post Box, (Station) Bellary.

Telegraphic Address

To The

Secretary to the Commissioners,

Board of Revenue, Land Revenue and Settleme
Madras.

Rev.C. 3485/35 dated 24-7-35. 19

No. , dated

Sir,

ENCLOSURES
2 files

Revenue Recovery- sale of land-S.No. 67- Hospet Taluk- Gonahal village- confirmed- cancellation report - submitted.

S.No. 67 of Gonahal village stands registered in the name of one Madiga Basava having been assigned to him under ordinary ryotwari tenure. The registered owner died on 18-1-32 leaving the first instalment of land revenue of F 1341 unpaid. Seven notices under the Revenue Recovery Act were issued in 1932 the name of the deceased owner of the land and the demands not ~~xxxxxxxx~~ accrued during the life time of the deceased owner were also included in them. This was irregular. The sale of the land was however confirmed on 4-11-32 by the then Sub Collector, Mr. Karamatullah- but it was cancelled on 8-7-34 by Mr. R. Galletti on the ground that ~~xxxxxxxxx~~ amount accrued subsequent to the death of the defaulter were included in demand notice No.4. The action of Mr. R. Galletti was contrary to B.S.O. No. 41 para 12 and was without jurisdiction. I therefore recommend that the order of Mr. Karamatullah confirming the sale and that of Mr.R.Galletti passed without jurisdiction may both be set aside.

p 20 (K)

p 379 Rev Vol II

20 (K)
39 (L)

p 21 (K)
21 (L)

2. The land sale records and Sub Collector's D.Dis. 3698/34 dated 8-7-34 are enclosed for reference and return.

3. In this connection, I also solicit instructions of the Board as to whether resumption or sale that should take

precedence when both land revenue and loan arrears are due on a land assigned to a Depressed class man subject to special conditions. If resumption is ordered, the land will be available for another Depressed class man but the Government will have to write off the loan arrears. If on the other hand, sale of the land is preferred, Government may realise the whole or part of the loan arrear but the land may go to a caste ryot with absolute rights. There are no instructions on this point in the B.S.O.

A.S.N./25-7-35/A.

For Collector.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied .		
When examined..		
When signed ..		
When despatched.		

DESPATCHED 19 AUG 1935

SUBJECT:— Revenue Recovery – (Bellary) – Hospet Tk – Gonahal Village – S.No 67 – Sale – Bought in by Govt – cancelled.

READ AGAIN _____, dated _____ 19____.

" " _____ " " 19____.

READ *ALSO*:— 24 C - 3485 - 35

A No. 3157 From the Coll Bellary., No. _____, dated 21-7 19 35 Q

" _____ " 19____

" _____ " 19____

Order / ~~Resolution~~ ~~Ms.~~ / ~~Rout~~ No. Refer, dated A 3157-35-1 of 16.8 19 35.

In the circumstances reported the Board authorizes the Collector to set aside the orders of the Sub-Coll (Hospet) Nos N.Dis. on C 5742-32 dt 4-11-32 and D.Dis. C 3698-34 dt 8-7-34.

2/. In para 1 of his letter read above the Collector has stated that S.No 67 of Gonahal village was assigned to Madiga Basava under ordinary ryotwari tenure. The certificate in the notice of sale shows that the land was not assigned to the defaulter subject to the special conditions applicable to the Scheduled Classes. The Coll is requested to report what he means by the expressi

p 20 of (K)

p 3 of (L)

Issue p 1 of

11.10.35

ordinary ryotwari tenure".

3/. The Collr has reported that
a defaulter Madiga Basava died on
1.32. The Revenue Inspector's report b/cf
of 22 of the Taluk D.Dis. L.S 122-41 (k)
3.12.32 shows that the lands have
been transferred in the name of the son who is a
minor. The Collr is requested to report
whether the minor has a guardian
or not if so whether he was given a
notice [illegible] of the application

[illegible]

20 the Collr of Bellary with
records as per list to be sent.

List of records

(1) DDis L.S. 122-41 D) 2.11.32

(2) D Dis C 3698-34 D) 8.7.34

C.F. 32.

In reply, please quote number, date and short title.

Revenue DEPARTMENT. 1135

Received Registered

(A.3625)

From (Name) T. Bhaskara Rao Esq., I.C.S.,

(Designation) Collector

Post Box ..... TATION) Bell

graphic Address

To

The Secretary to the Commissioners,

Land Revenue & Settlement,

Madras

R.O.C. No. 3485/35, dated 21st August 19 35

Sir,

ENCLOSURES.....

SPARE COPIES 1

REVENUE RECOVERY- Hospet Taluk Gonehal village- S.No. 67- Sale- cancelled- further report- submitted-

pts 3-4 ✓

Board's Ref. A.No. 3157/35-1 dated 16-8-35.

The expression "ordinary ryotwari tenure" was used to convey the fact that the land was not assigned subject to special conditions applicable to Depressed Class men, although the defaulter was a member of that class.

2. The minor's guardian is his mother. She is a resident of Guttiganur of Bellary taluk and lives by cooly work. She failed to pay the arrear being a non-resident of the village not interested in the land.

3. I invite Boards' attention to para 3 of my letter dated 24-7-35 and request orders on the point raised.

I.S. 22.8.A. 23/8

For Collector.

R.O.C. 3488/35. 9 Dated 10-9-35.

T. Bhaskara Rao Esq., I.C.S.,
Collector of Bellary.

The Secretary to the Commissioners,
Board of Revenue, Land Revenue and Settlement,
Madras.

Sir,

Revenue Recovery- Hospet Taluk- Gonahal village- S.No. 67- Cancelled- further report- submitted.

2. Board's Refce.A.No. 3157/35 dated 27-8-35.

Encls. (2 Fils.) 67f

The records noted below are submitted.

i. Hospet Sub Collector's D.Dis. 3698/34 dated 8-7-34.

ii. Hospet Tahsildar's D.Dis.L.S. 122/41 dated 13-12-32.

A.S.N./10-9/A. 2/10/9.

For Collector.

M1 Mr E.F.I
M3 Mr N.Q.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

SUBJECT:— Revenue Recovery - (Bellary) Hospet Taluk - Gundahal village - Sale - cancellation ordered - Land revenue and loans arrear - Recovery - Procedure - orders passed.

READ AGAIN _____, dated _____ 19____.

" " _____ 19____.

READ *ALSO*:— Mr 1-2 Y Ref. 3485-35

A No. 3157 From the Collr of Bellary No. _____, dated 24-7 19 35 → Q

A " 3625 " " -do- Ref Nos. 3485-35 " 21-8 19 35 → B

" _____ " _____ _____ " _____ " _____ 19____.

~~Order~~ / Resolution ~~Ms.~~ / ~~Rout.~~ No. 3767, dated 4.10.1935

Mr 1-2 Y

With reference to the question raised in paragraph 4 of this letter read above the Collr of Bellary is informed that no hard and fast rules can be laid down in the matter and that each case will have to be decided on its merits. Generally when the loan arrear is large it should necessarily be recovered by the sale of the land. Where the loan arrear is less than the land revenue the land should be resumed

Issue
Sd
4.10.35

Mem take 2 with a copies of Mr 1-2 Y & the draft. Issued to Section for Statement files in A+7 Sd 4.10

Sd 5.10.35

Sd 3.10.35

to the Collector of Bellary with records as per list-ref

21-8 Y to be issued

Sd 8.10.35

A.Section

List of records returned to the Collector of Bellary with B.P.No. Mis. 3767 dated 4th October 1935.

1 D.Dis. L.S.122-41 dated 21-11-32.

2. D.Dis. C.3698-34 dated 8-7-34

Acknowledged

Yours
Collector

10.X.35

11/10/35

The Board of Revenue
Madras

Note file.

Revenue Recovery – (Bellary) –
Hospet Taluk – Gonahal Villa
S.No 67 – Sale – confirmed and
cancelled by Sub Coll[r] – Irregula

S
J.S.
H.S. VR HJ Pr
Sections (first)

(with 9 Z.R. 55 Madras)

Hp 1-2 cf

A 310 1/25 From the Coll[r] of Bell

1. Mis 1775 d. 23.6.33
2. Mis 2811 d. 20.8.34 (C)
3. Mis 2142 d. 29.6.34 (R).
4. Mis 2324 d. 18.7.28.

20 H.S. & R.

Please see the Collector's lett
at Hp 1-2 cf.

p 1 cf — 2/ Paragraph 1 of the Collector's l
According to the decision of t
High Court in 9 Z.R. 55 Madras a t
p 376 the issue of notice of demand i
the name of a deceased person is
illegal. The Sub-Collector's order
dated 4.11.32 confirming the sale
has to be set aside. The order of
Mr. R. Galletti setting aside his
predecessor's order has also to
be set aside as it was passed
without jurisdiction. Under
para 12 of S.O. 41 the Collector may
be authorized to set aside the
orders of Mr. Karamatulla d. 4.11.32
confirming the sale and those of
Mr. R. Galletti d. 8.7.34 Cancelli

first vr
The Collector says that a series of
notices were issued in the name
of a dead patta[r] which
he considers was p 20 cf (K) irregula
I should have thought it was far
worse than that: the very first
notice should have stated (39)
the fact that the man was dead.

p 379 B. & O. VR II

p 20 cf (K) cf

p 3 cf (1).

the sale.

3| Paragraph 3 of the Collector's letter Mis 1-24.

The Collector solicits the Board's instructions as to whether resumption or sale should take precedence when both land revenue and loans arrears are due on a land assigned to a member of the scheduled classes subject to the special conditions.

So far as land revenue arrears alone are concerned the instructions i

paragraph 38(f) of S.O. 15 will apply. i.e. Mp 56-57 Pots VOL I

to say, the land will be resumed.

So far as loans arrears alone are concerned the instructions issued in B.P. Mis No. 2142 dt 29-6-34 and B.P. No. Mis 2841 dt 20-8-34 will apply i.e. the land hypothecated for the loan should be sold under the Madras Revenue Recovery Act II of 1864.

When both land revenue and loans arrears are due it seems that the procedure prescribed for the recovery of loans arrears should be followed i.e. the lands should be brought to sale under the Madras Revenue Recovery Act II of 1864. For orders whether the

→ For the reason that the amount of loan arrears will usually be a much larger than arrears of land revenue. In such cases, the fact that the land may pass into the hands of a Caste Hindu should not be regarded as a serious Calamity.

Cp. S.O. 15 para 38(f)

B.P. 6835

Collector may be informed accordingly

Sd
30.7.35

A-S (2-1)

Sd 9.8

Mr

Mr

Mr

What does Colr. mean by ordering mohurs levied? If the quit was not conducted how can land be resumed?

Has the dead no heir? If so should he not be given a chance to pay off the arrears?

Before these quits are annul by ref. to Colr. the orders referred to by Colr may be set aside

CW
10.8.35

Sd
12/8

Mr
12/8

Mr
12/8

Sd
12/8

12 AUG 35

To A.S.A.

Draft Letter

Re 16835

15835

16835

Issued as Board's Letter No A3157-35-1 & 16-8-35 to the Director of Bellary.
A3625/35
A3919/35

M3
S
S.L.R.
Section
Clerk

To A.S.

Refer: Secy's queries on p 3 n/f

Please see the Board's letter at pp 3-4 f. and the Collector's reply at p 5 f.

2/ The Collector states that the phrase "ordinary agricultural tenure" was used to convey the idea that the assignment was not made subject to the Special Conditions applicable to members of the scheduled classes.

3/ The Collector also reports that the minor's guardian is his mother who lives by coolie work in another village and that she is not interested in the land.

A/. Orders are required on items 3 & the rate at Rs 2·3 m/f.

It seems that each case must be decided on its merits. No hard & fast rule seems necessary. Where the loan arrear is large it must necessarily be recovered by the sale of the land. Where it is less than the land revenue ~~due on the land may be assessed~~ the land may be resumed.

23/9/35

S

I agree

CW

24-9

29.9.35 24.10.35

To A.S.

Draft submitted.

23.10.35

A.S. Ld

Thro' Section

To Gp Sh A

Re: send a Copy of correspondence with the draft Progs: (35 nos) for stock file (7 such)